

## DECISION MEMORANDUM

**TO:** COMMISSIONER KJELLANDER  
COMMISSIONER RAPER  
COMMISSIONER ANDERSON  
COMMISSION SECRETARY  
COMMISSION STAFF  
LEGAL

**FROM:** RILEY NEWTON  
DEPUTY ATTORNEY GENERAL

**DATE:** SEPTEMBER 13, 2021

**SUBJECT:** IN THE MATTER OF IDAHO POWER COMPANY'S APPLICATION FOR APPROVAL OR REJECTION OF THE FOURTH AMENDMENT TO ITS ENERGY SALES AGREEMENT WITH RIVERSIDE INVESTMENTS I, LLC FOR ARENA DROP HYDRO; CASE NO. IPC-E-21-27.

On August 26, 2021, Idaho Power Company ("Company") filed an Application with the Commission requesting approval of the Fourth Amendment to its Energy Sales Agreement ("ESA") with Riverside Investments I, LLC. ("Seller") who sells energy generated by the Arena Drop hydro facility ("Facility"). The Facility is a qualifying facility under the Public Utility Regulatory Policies Act of 1978. The Amendment seeks to delete Section 6.2.3 of the Agreement, "Seller's Adjustment of Estimated Net Energy Amounts After the Operation Date" and replace it with a new Section 6.2.3 as set forth in the Application. The amendment would change the reporting requirement to the 25<sup>th</sup> day of the month prior to the month being revised. The Company requests its Application be processed by Modified Procedure.

### STAFF RECOMMENDATION

Staff recommends the Commission issue a Notice of Application and Notice of Modified Procedure establishing a twenty-one (21) day public comment period and a seven (7) day Company reply.

### COMMISSION DECISION

Does the Commission wish to issue a Notice of Application and Notice of Modified Procedure establishing a twenty-one (21) day public comment period and a seven (7) day Company reply?



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Riley Newton  
Deputy Attorney General